



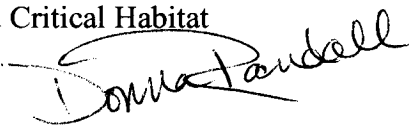
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D.C., 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

July 17, 2007

MEMORANDUM

SUBJECT: Effects Determination for Aldicarb Relative to the California Red-Legged Frog and Designated Critical Habitat

FROM: Donna Randall 
ERB 2
Environmental Fate and Effects Division

TO: Arthur-Jean Williams, Associate Director
Environmental Fate and Effects Division

Attached is the assessment of potential effects to the California Red-Legged Frog (CRLF) and designated critical habitat from uses of the insecticide, acaricide, and nematicide Aldicarb. While the Endangered Species Act requires that we assess uses of pesticides relative to any potentially affected listed species, this assessment focuses on only the CRLF, including designated critical habitat, addressing the provisions of a settlement agreement entered into by the federal government to resolve claims made by the plaintiffs against EPA in a court case (CBD vs. EPA).¹

The Attached assessment was conducted consistent with the Agency's Overview Document². Effects determinations for the assessment are summarized below:

- A "No Effect" ("NE") determination was concluded for indoor container grown ornamentals because there is no exposure pathway for aldicarb to reach either the aquatic- or terrestrial-phase of the CRLF or its critical habitat.
- A "Not Likely to Adversely Affect" ("NLAA") determination was concluded for soybean (in-furrow and/or positive displacement applications only), citrus, and sorghum uses based on the lack of direct and indirect, acute and chronic effects to the aquatic-phase of the CRLF and its critical habitat and the lack of or discountable direct and indirect, acute and chronic effects to off-site CRLF, or to its critical habitat.
- A "Not Likely to Adversely Affect" ("NLAA") determination was concluded for containerless field-grown ornamentals, outdoor container grown ornamentals, and sweet

¹ *Center for Biological Diversity (CBD) vs. EPA et al.* (Case No. 02-1580-JSW(JL)) settlement entered in the Federal District Court for the Northern District of California on October 20, 2006

² Overview of the Ecological Risk Assessment Process in the Office of Pesticide Programs, U.S. Environmental protection Agency: Endangered and Threatened Species Effects Determinations: January 23, 2004.

potato based on the lack of direct or discountable direct and indirect, acute and chronic effects to the aquatic-phase of the CRLF and its critical habitat and the lack of or discountable direct and indirect, acute and chronic effects to off-site terrestrial-phase CRLF, or to its critical habitat.

- A “Likely to Adversely Affect” (“LAA”) determination was concluded for dried beans, soybean (banded applications), peanut, pecans, cotton, alfalfa, and sugar beet based on direct acute and chronic effects to the aquatic-phase of the CRLF, and indirect effects to fish and aquatic invertebrates (food resources to aquatic- and terrestrial-phase of the CRLF) and its critical habitat. However, there is no direct and indirect, acute and chronic effects to off-site terrestrial-phase CRLF, or its critical terrestrial habitat.
- A “LAA” determination was concluded for all uses if terrestrial-phase CRLF will come onto the treated site and that on-site resources are considered a critical component that supports CRLF (i.e., invertebrates and insects on the field that the farmer are trying to eliminate are considered critical to the support of the CRLF) and that the field is considered part of the critical habitat.

As required by the alternative Consultation Agreement EPA entered into with the U.S. Fish and Wildlife Service and National Marine Fisheries Service (Services), I have been trained by the Services to make such determinations. Additionally, this assessment was subjected to internal Agency peer review throughout its development. The review panel included one other scientist who has been trained by the Services to make such determinations (Dr. Edward Odenkirchen).

Please let me know if you have any questions regarding this assessment and effects determination for aldicarb relative to the CRLF and designated habitat.

cc: Steven Bradbury
Debbie Edwards

Attachments